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DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

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# Memorandum

## VIA E-MAIL

**DATE:** October 7, 2021

**TO:** Representative Luke Meerman, Chairperson, JCAR  
Senator Jon Bumstead, Alternate Chairperson, JCAR  
Evan Keimach, Senate Majority Policy Office  
Jimmy Biehl, House Republican Policy Office  
Tim Reeves, Counsel, JCAR  
Elizabeth Edberg, Counsel, JCAR

**FROM:** Derek Sova, Office of Policy and Legislative Affairs

**SUBJECT:** Joint Committee on Administrative Rules (JCAR) Briefing Memo for Rule Set 2020-112 LR Behavior Analysts – General Rules

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## Rules Primer

The rule set pertains to the licensure, relicensure, and license renewals of behavior analysts. The rules will be amended to incorporate legislative changes and provide clarity pertaining to training and licensure requirements, telehealth, and ethics.

## Summary of the Final Proposed Rule

The proposed rules do all the following:

- Establish specific dates by which the human trafficking training requirement must be satisfied.
- Revise the requirements for verification of licenses held in other jurisdictions.
- Incorporate recent legislative changes that allow licensure by endorsement for individuals licensed in another state or a province of Canada.
- Establish conditions related to consent, scope of practice, and standard of care for telehealth services.
- Adopt the updated ethical code.

## **Stakeholder Engagement**

Development of the proposed rules occurred in consultation with members of the Board of Behavior Analysts via rules committee work groups, which included the opportunity for the public and associations to attend and provide input. The web address for the work group minutes is [https://www.michigan.gov/lara/0,4601,7-154-89334\\_72600\\_72603\\_27529\\_80658\\_91164-550482--,00.html](https://www.michigan.gov/lara/0,4601,7-154-89334_72600_72603_27529_80658_91164-550482--,00.html).

## **Public Engagement and Public Hearing/Comment/Information**

The Department held a public hearing on September 9, at 9:00 a.m. No one spoke on the rules at the public hearing.

The public comment period ran from August 19, 2021, to September 9, 2021. We received no written comments about the proposed revised rules.

## **Modifications Made Due to Public Comment**

There were no changes made to the proposed rules based on comments received during the public comment period.

## **Significant Issues Not Incorporated in the Final Proposed Rules**

No commenters raised any issues during the public comment period.

cc/att: Orlene Hawks, Director, LARA  
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